

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES E. NOTTINGHAM,

Plaintiff,

v.

TIMOTHY A.B. REITZ,

Defendant.

No. 4:18-CV-01520

(Judge Brann)

(Magistrate Judge Mehalchick)

ORDER

NOVEMBER 2, 2018

1. On July 31, 2018, Plaintiff James E. Nottingham instituted the above-captioned action against Defendant Timothy A.B. Reitz. ECF No. 1.
2. On July 31, 2018, Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis. ECF No. 2.
3. On August 16, 2018, Plaintiff filed a Motion to Appoint Counsel. ECF No. 7.
4. On October 15, 2018, Magistrate Judge Karoline Mehalchick issued a Report and Recommendation, ECF No. 10, recommending that this Court:
 - a. Grant Plaintiff's Motion for Leave to Proceed in Forma Pauperis,
 - b. Dismiss Plaintiff's Complaint with prejudice, and

- c. Deny Plaintiff's Motion to Appoint Counsel as moot.
- 5. Neither party filed objections to Magistrate Judge Mehalchick's Report and Recommendation, and this Court has satisfied itself that "there is no clear error on the face of the record."¹
- 6. Therefore, **IT IS HEREBY ORDERED** that:
 - a. Magistrate Judge Mehalchick's Report and Recommendation, ECF No. 10, is **ADOPTED IN ITS ENTIRETY**.
 - b. Plaintiff's Motion for Leave to Proceed in Forma Pauperis, ECF No. 2, is **GRANTED**.
 - c. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**.²
 - d. Plaintiff's Motion to Appoint Counsel, ECF No. 7, is **DENIED AS MOOT**.
- 7. The Clerk of Court is directed to close this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

¹ *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).

² Plaintiff should note that the instant dismissal is because his complaint "fails to state a claim upon which relief may be granted" for purposes of 28 U.S.C. § 1915(g).